

**UNION PACIFIC RAILROAD COMPANY**

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FAX NO. 312-777-2065

RONALD J. CUCHNA  
GENERAL SOLICITOR  
312-777-2040



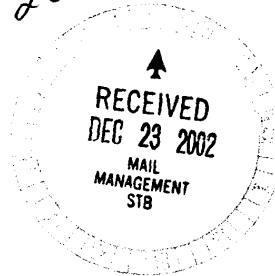
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December 20, 2002

**VIA U.P.S. OVERNIGHT**

Mr. Vernon Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001



**RE: Docket AB-33 (Sub-No. 193X), Union Pacific Railroad Company  
- Abandonment Exemption - In Utah County, Utah**

Dear Mr. Williams:

The Union Pacific Railroad Company has received a Statement of Willingness to Assume Financial Responsibility from the Utah Transit Authority ("UTA") for that portion of the Union Pacific's right-of-way and track structure between Milepost 753.27 near Provo and Milepost 756.10 near Gatex, a distance of approximately 2.83 miles in Utah County, Utah. The Union Pacific is willing to enter into a trail use rail banking agreement with the UTA and supports the UTA's request for trail use/rail banking under 49 C.F.R. § 1152.29. A copy of the UTA's request is attached hereto as Exhibit "A" and hereby made a part hereof.

Ten (10) additional copies of this letter and exhibit are enclosed for the Board's use and distribution.

Very truly yours,

Mack H. Shumate, Jr.  
Senior General Attorney

Enclosures

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ENTERED  
Office of Proceedings

DEC 23 2002

Part of  
Public Record

**Kirkpatrick & Lockhart LLP**

December 12, 2002

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, NW, Room 711  
Washington, DC 20423



EXHIBIT "A"  
1800 Massachusetts Avenue, NW  
Suite 200  
Washington, DC 20036-1221  
202.778.9000  
www.kl.com



Re: Union Pacific Railroad Company – Abandonment Exemption – In Utah County, UT,  
STB Docket No. AB-33 (Sub-No. 193X)

Dear Mr. Williams:

This letter is filed on behalf of Utah Transit Authority (hereinafter referred to "UTA").

UTA requests issuance of a Notice of Interim Trail Use ("NITU") for the rail line known as the Provo Industrial Lead between approximately MP 753.27 near Provo and approximately MP 756.10 near Gatex (the "Subject Line"), a distance of approximately 2.83 miles in Utah County, Utah.<sup>1</sup>

On December 2, 2002, the Surface Transportation Board ("STB") served and published notice that Union Pacific Railroad Company ("UP") filed a notice of exemption under 49 CFR Part 1152, Subpart F to abandon the Subject Line. The notice provided that any request for trail use/rail banking under 49 CFR § 1152.29 must be filed no later than December 12, 2002. UTA respectfully seeks rail banking and interim trail use on the Subject Line.

UTA makes the following statement in support of the NITU request:

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, Utah Transit Authority is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in

<sup>1</sup> This NITU request is related to the following proceedings: 1) Union Pacific Railroad Company – Abandonment Exemption– In Davis and Weber Counties, UT, STB Docket No. AB- 33 (Sub-No. 191X); 2) Union Pacific Railroad Company – Abandonment Exemption– In Salt Lake and Utah Counties, UT, STB Docket No. AB- 33 (Sub-No. 192X); and 3) Union Pacific Railroad Company – Abandonment Exemption– In Salt Lake County, UT, STB Docket No. AB- 33 (Sub-No. 194X).

**Kirkpatrick & Lockhart LLP**

Mr. Vernon A. Williams  
December 12, 2002  
Page 2

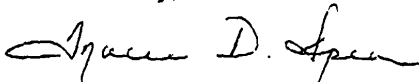
which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Utah Transit Authority and operated by Union Pacific Railroad Company.

The property, known as a portion of the Provo Industrial Lead, extends from approximately MP 753.27 near Provo to approximately MP 756.10 near Gatex, a distance of approximately 2.83 miles in Utah County, Utah. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-33 (Sub-No. 193X).

A map of the property depicting the right-of-way is attached.

Utah Transit Authority acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on Union Pacific Railroad Company on the same date it is being served on the Board.

Sincerely,



Tracie D. Spear  
Counsel for Utah Transit Authority

Enclosure

cc: Mack Shumate, Union Pacific Railroad Company

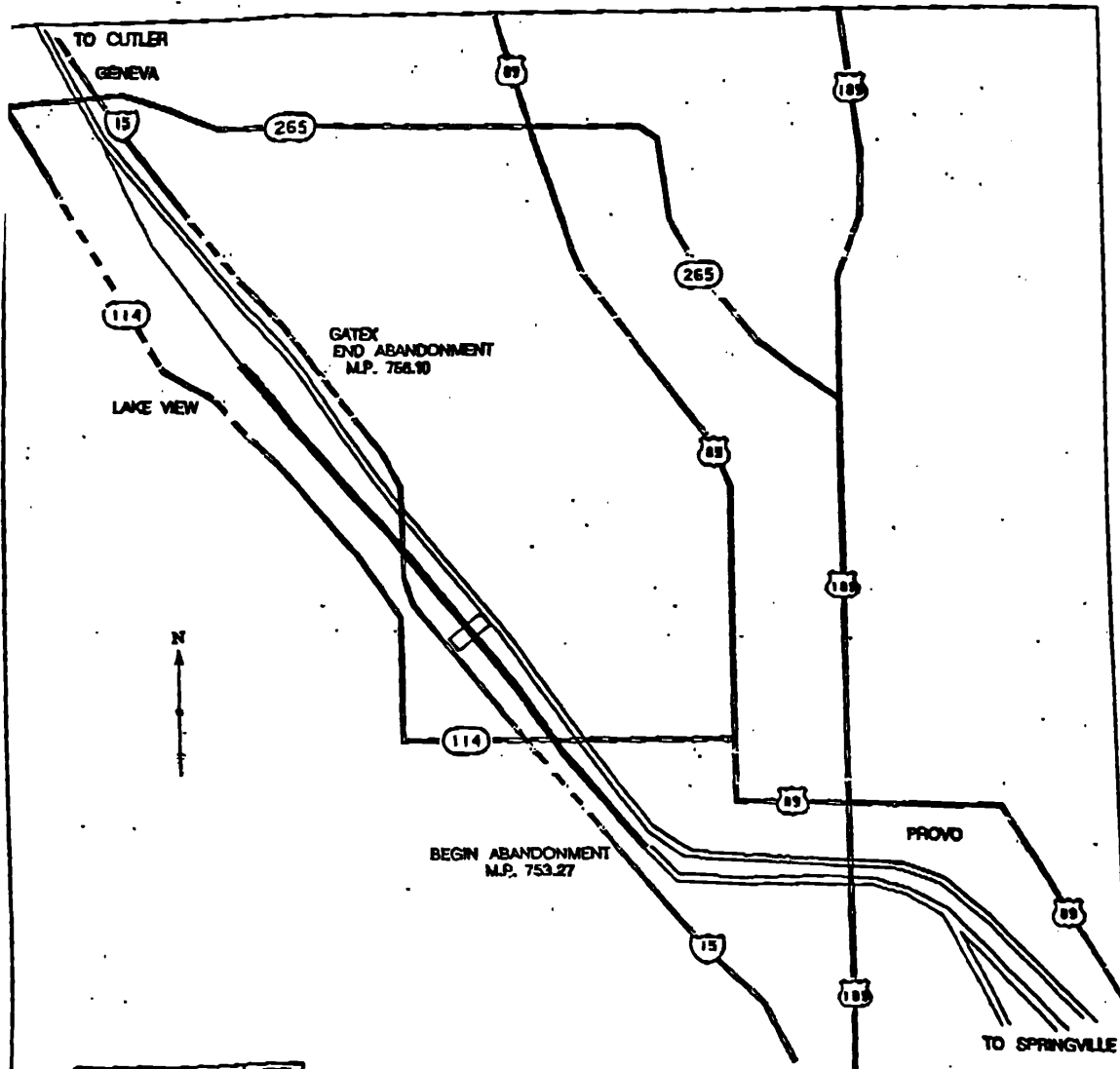
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From-Kirkpatrick &amp; Lockhart

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STATION	MILE POST	AGENCY
GATEX	756.10	RD

BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
DR 75481	1-10'70'	87'	1991

### LEGEND

- RR LINES TO BE ABANDONED
- OTHER UPRR LINES
- 1-1 + + + OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

Provo Industrial Lead  
M.P. 753.27 TO M.P. 756.10  
PROVO INDUSTRIAL LEAD A TOTAL OF 2.83 MILES  
IN UTAH COUNTY, UTAH

UNION PACIFIC RAILROAD CO.  
PROVO INDUSTRIAL LEAD  
INCL 50+ YEAR OLD STRUCTURES



Revised: October 14, 2002

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